



JUDICIAL INVESTIGATION COMMISSION

Post Office Box 1629
Charleston, West Virginia 25326-1629
(304) 558-0169 • FAX (304) 558-0831

November 25, 2008

Re: JIC Advisory Opinion 2008-14

Dear

In a recent letter to the Judicial Investigation Commission you asked for an advisory opinion. You stated that you had been asked to serve as a trustee on the Trustee Committee at the First Baptist Church in West Virginia. You have been advised that your duties would entail overseeing the facilities, i.e., making sure insurance coverage is current on the facility and determining who can use the church. You would serve a three-year term and be asked to attend one evening meeting a month. You asked whether it would be appropriate for you to serve as a member on the committee.

To address the question which you have raised the Commission has reviewed Canon 4 of the Code of Judicial Conduct. Canon 4 states in relevant part:

Canon 4. A judge shall so conduct the judge's extra-judicial activities as to minimize the risk of conflict with judicial obligations.

C. Governmental, civic, or charitable activities.

(3) Civic and charitable activities. A judge may participate in civic and charitable activities that do not reflect adversely upon the judge's impartiality or interfere with the performance of the judge's judicial duties. A judge may serve as an officer, director, trustee, or non-legal adviser of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members subject to the following limitations:

(a) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

November 25, 2008

Page Two

(b) A judge should not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of office for that purpose; but a judge may be listed as an officer, director, or trustee of such an organization, so long as the listing is not used for fund-raising purposes. A judge should not be a speaker or the guest of honor at an organization's fund-raising events, but may attend such events.

(c) A judge should not give investment advice to such an organization, but a judge may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.

Based upon the language contained in this section of Canon 4 and the information which you have provided to the Commission, it is the opinion of the Commission that you may serve as a trustee on the Trustee Committee at your church. The Commission would advise that you note the prohibitions against any fund-raising activities set forth in Canon 4.

It is hoped that this opinion fully addresses the question which you have raised. If there is any further question regarding this matter do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Fred L. Fox, II". The signature is stylized with a large, bold "F" and "L", and a smaller "Fox, II" following.

Fred L. Fox, II, Chairperson
Judicial Investigation Commission

FLF:nb